

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

JOHN GUNTHER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. 24-6507 (RMB)

ORDER

Petitioner John Gunther, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey, filed a *pro se* motion to vacate his criminal conviction and sentence, pursuant to 28 U.S.C. § 2255 (“§ 2255 motion”), for Criminal Action No. 17-488 (RMB) (D.N.J.) (Dkt. No. 1.) Local Civil Rule 81.2 provides:

Unless prepared by counsel ... motions under 28 U.S.C. § 2255 shall be in writing (legibly handwritten in ink or typewritten), signed by the petitioner or movant, on forms supplied by the Clerk.

L. Civ. R. 81.2(a). Petitioner did not use this Court’s form, which contains a notification, on page 15, that Petitioner must sign before proceeding. Therefore, this Court will administratively terminate this matter, subject to reopening upon

Petitioner's submission of his motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 on this Court's form.

IT IS on this 31st day of May, 2024,

ORDERED that the Clerk of the Court shall administratively terminate this case without filing the motion; Petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally timely filed, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dep't.*, 413 F. App'x 498, 502 (3rd Cir. 2011) (per curiam) (“[The] statute of limitations is met when a [motion] is submitted to the clerk before the statute runs”); and it is further

ORDERED that the Clerk of the Court shall forward Petitioner a copy of the Court's § 2255 motion form— AO243 (modified): DNJ-Habeas-004 (Rev. 01-2014); and it is further

ORDERED that if Petitioner wishes to reopen this case, he shall submit his § 2255 motion on this Court's form, addressed to the Clerk of the Court, Mitchell H. Cohen Building, & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101 and referencing Civil Action No. 24-6507, within 30 days of the date of entry of this Order; and it is further

ORDERED that upon receipt of Petitioner's submission of his § 2255 motion on this

Court's form, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon
Petitioner by regular U.S. mail.

s/Renée Marie Bumb
RENÉE MARIE BUMB
Chief United States District Judge